

~~UNDERSEAL~~

FILED

AO 91 (Rev. 11/11) Criminal Complaint

FEB 07 2020

## UNITED STATES DISTRICT COURT

for the

Northern District of California

SUSAN Y. SOONG  
CLERK, U.S. DISTRICT COURT  
NORTH DISTRICT OF CALIFORNIA

JCS

United States of America )

v. )

Larry Elton HENLEY )

Case No. **3 20 70149**\_\_\_\_\_  
*Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of Nov. 16, 2019 & Dec. 10, 2019 in the county of San Francisco in the  
Northern District of California, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. § 2113(a)

Bank Robbery

18 U.S.C. §§ 2113(a) and (d)


Armed Bank Robbery

This criminal complaint is based on these facts:


Please see attached affidavit of FBI Special Agent Jeffrey Kim

☒ Continued on the attached sheet.Approved as to form KRISTINA GREEN  
AUSA Kristina Green


Sworn to before me and signed in my presence.

Date: 02/07/2020City and state: San Francisco, CA  
*Complainant's signature*

Jeffrey Kim, FBI Special Agent

*Printed name and title*  
*Judge's signature*

Hon. Joseph C. Spero, U.S. Chief Magistrate Judge

*Printed name and title*  


**DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT**
 BY: ☒ COMPLAINT ☐ INFORMATION ☐ INDICTMENT  
☐ SUPERSEDING
**OFFENSE CHARGED**

18 U.S.C. § 2113(a) - Bank Robbery

18 U.S.C. §§ 2113(a) and (d) - Armed Bank Robbery

☐ Petty  
☐ Minor  
☐ Misdemeanor  
☒ Felony

 PENALTY: 18 U.S.C. § 2113(a): Max. Penalties: 20 years' imprisonment; \$250,000 fine; 3 years' supervised release; \$100 special assessment  
 18 U.S.C. §§ 2113(a) and (d): Max. Penalties: 25 years' imprisonment; \$250,000 fine; 5 years' supervised release; \$100 special assessment

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

**DEFENDANT - U.S.**

▶ LARRY ELTON HENLEY

DISTRICT COURT NUMBER

**PROCEEDING**

Name of Complainant Agency, or Person (&amp; Title, if any)

FBI

☒ person is awaiting trial in another Federal or State Court, give name of court

San Francisco Superior Courthouse

☐ this person/proceeding is transferred from another district per (circle one) FRCrP 20, 21, or 40. Show District
☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:
☐ U.S. ATTORNEY ☐ DEFENSESHOW  
DOCKET NO.☐ this prosecution relates to a pending case involving this same defendantMAGISTRATE  
CASE NO.☐ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

Name and Office of Person

Furnishing Information on this form David L. Anderson

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned)

Kristina Green

**DEFENDANT****IS NOT IN CUSTODY**

Has not been arrested, pending outcome this proceeding.

1) ☐ If not detained give date any prior summons was served on above charges ▶2) ☐ Is a Fugitive3) ☐ Is on Bail or Release from (show District)**IS IN CUSTODY**4) ☐ On this charge5) ☐ On another conviction☐ Federal ☒ State6) ☒ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

San Francisco County Jail #5 (San Bruno)

Has detainer been filed? ☐ Yes ☒ No

If "Yes" give date filed

**DATE OF ARREST** ▶Month/Day/Year  
Dec. 10, 2019 (SF PD)

Or... If Arresting Agency &amp; Warrant were not

**DATE TRANSFERRED TO U.S. CUSTODY** ▶Month/Day/Year  
Feb. 10, 2019☐ This report amends AO 257 previously submitted**ADDITIONAL INFORMATION OR COMMENTS****PROCESS:**☐ SUMMONS ☐ NO PROCESS\* ☐ WARRANT

Bail Amount: \_\_\_\_\_

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

\* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: \_\_\_\_\_ Before Judge: \_\_\_\_\_

Comments:

**AFFIDAVIT OF  
SPECIAL AGENT JEFFREY KIM  
IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT**

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I, Jeffrey Kim, Special Agent of the Federal Bureau of Investigation (“FBI”), being duly sworn, hereby declare as follows:

**INTRODUCTION AND PURPOSE OF AFFIDAVIT**

1. This Affidavit is being submitted in support of an application for a criminal complaint and arrest warrant charging **LARRY HENLEY (“HENLEY”)** with Bank Robbery, in violation of 18 U.S.C. § 2113(a), and Armed Bank Robbery, in violation of 18 U.S.C. §§ 2113(a) and (d).
2. The facts and information set forth in this affidavit are based on my personal observations, review of records and images, my training and experience, and, as specifically attributed below, information obtained from law enforcement officers and witnesses. To the extent that any information in the affidavit is not within my personal knowledge, it has been made available to me through reliable law enforcement sources, and I believe such information to be true.
3. Because this affidavit is submitted for the limited purpose of demonstrating probable cause for the issuance of a criminal complaint and arrest warrant for HENLEY, I have not included each and every fact known to me concerning this case. Rather, I have set forth only those facts that I believe are necessary to support the criminal complaint and lawful arrest of the individual listed in this Affidavit.
4. Where statements made by other individuals (including other Special Agents and law enforcement officers) are referenced in this Affidavit, such statements are described in sum and substance and in relevant part. Similarly, where information contained in reports and other documents or records are referenced in this Affidavit, such information is also described in

sum and substance and in relevant part.

**AGENT'S BACKGROUND AND EXPERTISE**

5. I am a Special Agent of the FBI. I have been employed as a Special Agent with the FBI for approximately seven years. I have completed FBI Special Agent training at the FBI Academy in Quantico, Virginia, and have completed training in various areas, including but not limited to criminal investigative techniques, financial investigations and money laundering, undercover operations, electronic and physical surveillance procedures, criminal law, among other areas. I have also spoken to, and worked with, more experienced federal, state, and local law enforcement agents and officers. I am currently assigned to the San Francisco Field Division, where my responsibilities include, among other things, conducting investigations into violations of federal criminal law, including bank robberies, in violation of 18 U.S.C. § 2113.

6. I am an "investigative or law enforcement officer of the United States" within the meaning of 18 U.S.C. § 2510(7), that is, an officer of the United States who is empowered by law to conduct investigations of, and to make arrests for, offenses enumerated in 18 U.S.C. § 2516.

**APPLICABLE LAW**

7. 18 U.S.C. § 2113(a) prohibits a defendant from taking or attempting to take "by force and violence, or by intimidation" any money, property, or other thing of value "belonging to, or in the care, custody, control, management, or possession of, any bank . . . ." For the purposes of this statute, a "bank" includes any institution the deposits of which are insured by the Federal Deposit Insurance Corporation ("FDIC"). 18 U.S.C. § 2113(f).

8. 18 U.S.C. § 2113(d) imposes a higher maximum imprisonment penalty for anyone who, in committing, or in attempting to commit, any offense defined in 18 U.S.C. §

2113(a) “assaults any person, or puts in jeopardy the life of any person by the use of a dangerous weapon or device.” A weapon or device is dangerous if it is something that creates a greater apprehension in the victim and increases the likelihood that police or bystanders would react using deadly force. Ninth Circuit Model Crim. Jury Instr. 8.162 (*citing United States v. Pike*, 473 F.3d 1053, 1060 (9th Cir. 2007)). A replica firearm is considered a “dangerous weapon or device” as that phrase is used in 18 U.S.C. § 2113(d). *See United States v. Martinez-Jimenez*, 864 F.2d 664 (9th Cir. 1989).

### **FACTS ESTABLISHING PROBABLE CAUSE**

#### **A. November 2019 Wells Fargo Bank Robbery**

9. On November 16, 2019, at approximately 3:28 p.m., a white male suspect entered the Wells Fargo Bank located at 2055 Chestnut Street, in San Francisco, California. This bank is in the Northern District of California.

10. When he entered the bank, the suspect yelled at everyone to get on the ground and paced back and forth in front of the teller stations in an agitated fashion. The suspect demanded money in hundred dollar and fifty dollar bills from the bank tellers. Some witnesses crouched down behind their teller stations or hid under their desks after they heard the suspect yell at everyone to get on the ground. Some witnesses also pushed their panic alarm buttons.

11. One of the bank tellers indicated that he would help the suspect at a teller station away from the other customers because he feared for their safety. At one point, the suspect jumped up on the bank counter, attempting to climb over, while the teller was gathering the money. The teller handed money to the suspect. The suspect took the money then exited the bank through its rear entrance. The loss amount calculated by the bank following the robbery was approximately \$3900.



12. Witnesses provided a description of the suspect to police officers. The suspect was also visible on bank surveillance footage and a video taken from outside the bank. The suspect wore a blueish gray hooded sweatshirt, with the hood up, and carried a green/beige camouflage backpack. He had a plaid shirt seemingly tied around his neck. His face was covered with a bandana and was unidentifiable. He wore black low-top shoes with white soles, white laces, and a white line along each side, the same as or similar to the “Vans” shoe design. The suspect did not wear gloves. He had distinctive tattoos on the tops of both his hands and on the tops of his fingers. The tattoos on the suspect’s middle two fingers, on his right hand, appeared to say “LU”. His hands also appeared to have a reddish tinge.

Image 1: Still Photo From Wells Fargo Surveillance Camera Footage Showing Suspect and Hand Tattoos (Nov. 16, 2019)



13. At the time of the robbery, the Wells Fargo Bank and its deposits were insured by the Federal Deposit Insurance Corporation. According to the Federal Deposit Insurance Corporation website, Wells Fargo Bank has been insured since 1934.

**B. The December 2019 Wells Fargo Armed Bank Robbery**

14. On December 10, 2019, at approximately 3:17 p.m., a white male suspect entered the Wells Fargo Bank located at 2055 Chestnut Street, in San Francisco, California. This bank is in the Northern District of California. This is the same Wells Fargo Bank that was robbed on November 16, 2019, discussed above. The suspect entered through the rear entrance that leads to the parking lot.

15. The suspect yelled at everyone to get down. He demanded money in hundred dollar and fifty dollar bills from one of the bank tellers. The suspect carried in his hand, visible to the bank teller, what appeared to be a black handgun but was later determined to be a replica handgun. The teller, fearing for his safety, provided money to the suspect. He was able to place the bank's electronic tracker in the pile of the money given to the suspect. The suspect exited the bank through the back door, into the parking lot that leads onto Lombard Street. The suspect left behind a \$10 bill that was found on the floor below the counter. The loss amount calculated by the bank following the robbery was approximately \$685.



Image 2: Still Photo From Wells Fargo Bank Surveillance Camera Footage Showing Suspect With Handgun and Money (Dec. 10, 2019)



16. Witnesses provided a description of the suspect to police officers. The suspect was also visible on bank surveillance footage. The suspect was wearing a greyish green Nike zip jacket, green pants, black hooded mask with a white skeleton print that covered his face and head, and black gloves. The suspect also wore black low-top shoes with white soles, white laces, and a white line along each side, the same as or similar to the "Vans" shoe design. Tattoos were visible on the suspect's neck.

17. At the time of the robbery, the Wells Fargo Bank and its deposits were insured by the Federal Deposit Insurance Corporation. According to the Federal Deposit Insurance Corporation website, Wells Fargo Bank has been insured since 1934.

18. A bank employee pursued the suspect as he fled out of the rear entrance of the bank. The employee observed the suspect after he had removed his mask and gloves. The employee called 911 and provided an updated description of the suspect to dispatch. The



employee described the suspect as being a white male with hand tattoos and shaved head.

19. Building security footage taken from at or around Moulton Street, very close to the rear entrance of the bank, captured the suspect walking with a female companion approximately a few minutes after the robbery, at approximately 3:19 p.m. The suspect was wearing identical clothing and shoes as that worn by the suspect captured in the bank surveillance footage, however, the suspect is no longer wearing the mask or gloves. His shaved head, neck and hand tattoos are visible.

20. Part of the electronic tracker taken by the suspect with the money from the bank was found by police officers approximately a block away from the Wells Fargo Bank, on or around the 100 block of Moulton Street. The electronic tracker was activated and tracked by responding law enforcement officers. The electronic tracker location data matched the route of travel of the suspect from the bank to where the electronic tracker part was found on Moulton Street.

21. Surveillance video footage taken from at or around Greenwich Street, a couple of blocks South East from the rear entrance of the Wells Fargo Bank, at approximately 3:20 p.m. captured the suspect and female companion turning onto Greenwich Street. The suspect ducked behind a car for a brief period. He then reappeared and pulled on a brown jacket, and put on a black cap and sunglasses. His hair was shaved. The suspect was wearing jeans or blueish pants at this point. He was wearing the same black and white shoes as those visible on the suspect in the bank surveillance footage.

22. When police officers were canvassing the area, they found a glove and green pants, discarded on the sidewalk on or around Greenwich Street. A police officer located a black replica handgun in the front left hand pocket of the pants. The replica handgun, pants, and glove appear to be identical to the handgun, pants, and gloves utilized by the bank robber

during the robbery.

23. A police officer responding to the area of the Wells Fargo Bank at approximately 3:20 p.m. heard dispatch announce the robbery and describe the suspect as a white male, wearing a grey/brown hoodie and black mask, with a shaved head and hand tattoos. At approximately 3:24 p.m., this officer observed a male with a shaved head and hand tattoos, matching the dispatch description of the suspect, walking at or around Buchanan Street, in the vicinity of the Wells Fargo Bank. The male was walking with a female companion. Officers detained the male suspect. He was identified as HENLEY.

24. When HENLEY was detained, he was wearing blue jeans, a black cap, sunglasses, brown jacket and black t-shirt. These are the same clothes that the suspect was wearing in surveillance footage from at or around Greenwich Street, shortly after the robbery. He was also wearing the same type of black and white shoes visible on the suspect captured on surveillance footage during the November 16 and December 10, 2019 robberies.

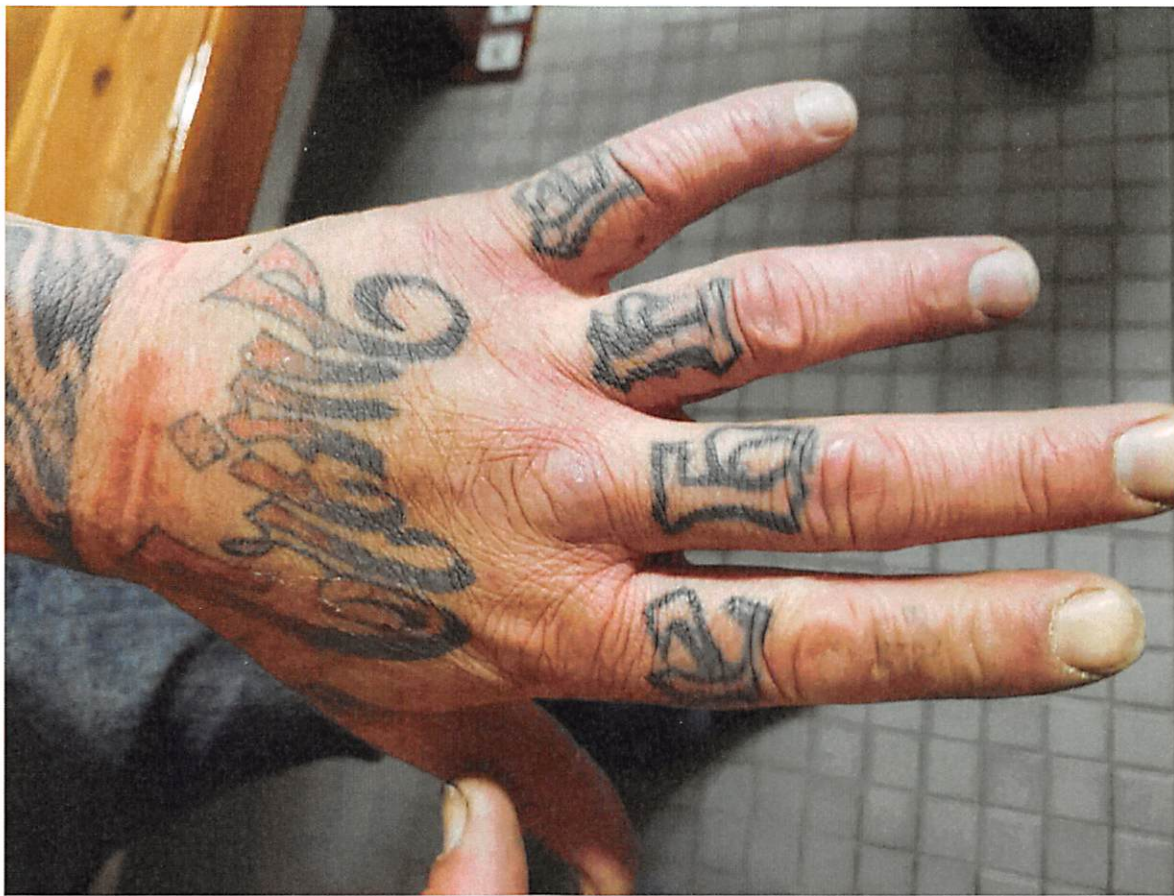
25. HENLEY's hand tattoos appeared identical to the hand tattoos of the bank robbery suspect who conducted the November 16, 2019 robbery. Furthermore, certain employees from the bank who were present during the December 10, 2019 robbery participated in a cold show shortly after HENLEY was detained. Certain of these employees recognized the hands of HENLEY as matching those of the suspect from the November 16, 2019 robbery, particularly due to their reddish appearance and distinctive tattoos.

Image 3: Picture Of HENLEY'S Right Hand Taken After His Detention by San Francisco Police Department ("SF PD")





Image 4: Picture Of HENLEY'S Left Hand Taken After His Detention by SF PD



26. Officers conducted a search of HENLEY incident to his arrest. The search uncovered approximately \$171 and an electronic tracker holder in HENLEY's front left pants pocket. HENLEY also had approximately \$404 in his boxer short waistband and crotch. The IMEI serial number of the electronic tracker holder found on HENLEY matched that on the electronic tracker part that was recovered by police officers on or around Moulton Street, in the vicinity of the bank.

27. The modus operandi of the suspect from the November 16 and December 10, 2019 bank robberies appeared to be the same. The same bank branch was targeted within a span of a month and between 3 and 4 p.m. The suspect yelled at witnesses to get down and exited through the rear entrance of the bank. The suspect attempted to conceal his face and demanded fifty and hundred dollar bills.



28. The Wells Fargo Bank security cameras captured the aforementioned robberies. The security footage for each incident, which I personally reviewed, showed the suspect's clothing, tattoos, and shoes, as described above. I compared these images with the nearby business security camera footage from shortly after the robbery, and with images of HENLEY's tattoos, clothing, and shoes taken when he was detained. The suspect who conducted the two robberies appears to be the same person—HENLEY.

29. In my training and experience, the facts and information outlined above corroborates that HENLEY committed the Wells Fargo Bank robberies on November 16 and December 10, 2019.

### **CONCLUSION**

30. Based on the information set forth in this Affidavit, and my training and experience, I respectfully submit that there is probable cause to believe that on or about November 16, 2019, LARRY HENLEY robbed the Wells Fargo Bank at 2055 Chestnut Street, in the Northern District of California, in violation of 18 U.S.C. § 2113(a); and that LARRY HENLEY conducted an armed bank robbery of that same bank on December 10, 2019, in violation of 18 U.S.C. §§ 2113(a) and (d).

31. Accordingly, I respectfully request that the complaint and warrant for the arrest of HENLEY be issued.

Dated: 2/7/2020

  
\_\_\_\_\_  
JEFFREY KIM  
Special Agent  
Federal Bureau of Investigation

Subscribed to and Sworn to me before this 7th day of February 2020.

  
\_\_\_\_\_  
THE HONORABLE JOSEPH SPERO  
United States Chief Magistrate Judge